

# Notice of Allowability

Application No.

09/918,878

Examiner

Monique M Wills

Applicant(s)

BENSON ET AL.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed 6/22/04.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ The drawings filed on 31 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

#### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John W. Rees on July 19, 2004.

The application has been amended as follows:

In claim 10, line 4, after "units;" insert "wherein each positive terminal is configured to be in connection with cathodic exposed grids.

In claim 10, line 7, after "units;" insert "wherein each negative terminal is configured to be in connection with anodic exposed grids.

#### *EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE*

The following is an examiner's statement of reasons for allowance: claims 1 -9 are allowable over the prior art of record, because the prior art is silent to a battery unit comprising: a plurality of bicells; wherein each bicell contains anode exposes grids at a first end of said bicell, and cathodic exposed grids at a second end opposing said first end relative to a horizontal axis; where both negative and positive terminals are configured to be in connection with the respective exposed grid.

Claims 10-13 are allowable over the prior art of record, because the prior art is silent to a battery module comprising: a plurality of battery units; with positive terminals each located at a first end of the battery unit; and negative terminals located at a second end of the battery units; wherein said second end opposes said first end relative to a horizontal axis; and each positive and negative terminal is configured to be in connection with respective exposes grids.

Claims 14-16 are allowable over the prior art of record, because the prior art is silent to a method of electrically connecting a battery module including: locating positive terminals at a first end of first and second battery units; locating negative terminals at a second end of said first and second battery, wherein said second end opposes the first end relative to the horizontal axis; and orienting the first battery unit and second battery unit such that said positive terminal of the second battery unit is electrically connected to said negative terminal of said first battery unit, and said second battery units is rotated around a horizontal axis 180 degrees such that first and second battery units create a stacked configuration.

The prior art, such as Yokoyama et al., U.S. Pub/ 2001/0026888, teaches a batter pack comprising positive and negative terminals 7, wherein the first terminal is on one end, and the second terminal is on the opposite end, perpendicular to the axis of the first terminal. See Figure 1. The reference is silent to the terminals being on opposing ends relative to the horizontal axis. Therefore, the instant claims are patentably distinct from Yokoyama.

### ***CONCLUSION***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Monique Wills whose telephone number is (571) 272-1309. The Examiner can normally be reached on Monday-Friday from 8:30am to 5:00 pm.

If attempts to reach Examiner by telephone are unsuccessful, the Examiner's supervisor, Michael Barr, may be reached at 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MW

07/24/04

  
FRANKIE L. STINSON  
PRIMARY EXAMINER  
GROUP 3400 1700